



## Legislation Text

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**File #:** 22-0275, **Version:** 1

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Carrie Tai, AICP Community Development Director

**SUBJECT:**

Recent Planning Commission Decision:

Consideration of Four Appeals of the Community Development Director's Decision to Approve a Precise Development Plan, Coastal Development Permit, and Tentative Parcel Map for the Demolition of a Banquet Facility and Multiuse Commercial Building and Subsequent Construction of a 96,217 Square-Foot Multifamily Residential Building with 79 Rental Dwelling Units, with the Developer Utilizing a Density Bonus Pursuant to State Law, Inclusive of Waivers and Concessions, at 401 Rosecrans Avenue and 3770 Highland Avenue (Community Development Director Tai).

**INFORMATION ITEM ONLY**

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On June 8, 2022, the Planning Commission considered the items described below.

Consideration of four appeals of the Community Development Director's decision to approve a Precise Development Plan, Coastal Development Permit, and Tentative Parcel Map for the demolition of a banquet facility and multiuse commercial building and subsequent construction of a 96,217 square-foot multifamily residential building with 79 rental dwelling units, with the developer utilizing a density bonus pursuant to State law, inclusive of waivers and concessions, at 401 Rosecrans Avenue and 3770 Highland Avenue. (HIGHROSE EL PORTO, LLC)

On March 4, 2021, the Community Development Department received an application requesting a Precise Development Plan and associated entitlements (Coastal Development Permit and Tentative Tract Map) for the demolition of existing structures, the merger of two lots, and the construction of a new, 96,217 square-foot, four-story multi-family residential structure containing 79 rental dwelling units, six of which will be set aside for "very low income" households. The property owner seeks a Precise Development Plan for the development of affordable housing utilizing State density bonus provisions pursuant to California Government Code Section 65915.

On March 29, 2022, the Community Development Director approved the Precise Development Plan and associated entitlements for the project. Staff received four independent appeals of the Director's decision within the 15-day appeal period. The four independent appeals were filed by Don

McPherson, Susan Bales and Richard MacKenzie, George Bordokas, and Andrew Ryan.

The Planning Commission meeting was duly noticed on May 26, 2022, and the Planning Commission Agenda with staff report and attachments was published on June 3, 2022. Up to and including the Planning Commission meeting, staff received 14 written public comments, with five comments expressing support for the project and 12 comments expressing opposition to the project. At the meeting, 18 individuals spoke, with eight individuals speaking in favor of the project and ten individuals speaking in opposition to the project. Based on substantial evidence in the record, and pursuant to the Manhattan Beach Local Coastal Program and other applicable law, the Planning Commission affirmed the Community Development Director's approval of the Project.

Link to the Planning Commission Staff Report:

[https://cms6ftp.visioninternet.com/manhattanbeach/commissions/planning\\_commission/2022/20220608/20220608-2.pdf](https://cms6ftp.visioninternet.com/manhattanbeach/commissions/planning_commission/2022/20220608/20220608-2.pdf)

The project is located within the Coastal Zone and is thus subject to the appeal procedures found in Section A.96.100 of Manhattan Beach's Local Coastal Program (LCP). Pursuant to the LCP, Planning Commission decisions can be appealed by any member of the public within 15 days of the decision. We have been informed by at least one resident that he intends to appeal. Staff will inform the Council if any appeal is filed prior to this Council meeting. The 15-day appeal period ends on June 23, 2022 at 5:00 p.m.

In addition, please note the LCP states: "The Mayor or City Council member appealing any matter shall be disqualified from hearing the appeal unless he or she certifies that the appeal was made in the public interest(sic) or welfare."